

Remarks

Claims 1-20 are pending in the present case and are rejected.

Claims 1, 10, and 11 are amended to replace the transition “comprising” with “consisting essentially of.” Claim 1 is further amended to include “a cover layer attached to the second surface of the layer of fibrous padding material” as an optional element. No new matter is added by these amendments.

1. Rejection under 35 U.S.C. 102(b)

Claims 1 and 5-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Patrick (U.S. Patent No. 5,892,187).

Claim 9 is cancelled rendering rejection of this claim moot.

Applicant respectfully traverses the rejection of claims 1 and 5-8 for the following reasons. Applicant has amended independent claim 1 to use the transition “consisting essentially of” instead of “comprising”. Patrick only discloses headliners with at least one oriface “having a predetermined diameter or area” provided within a “support member (12)” and communicating with “each resonator cavity (16).” Patrick goes on to explain that “[t]he backing sheet (20), together with the cavities (16) and the orifices (or holes) (18), form a plurality of Helmholtz resonators (22).” (Patrick, col. 3, ll 24-28). Clearly, the orifices are an important component in Patrick necessary for forming a Helmholtz resonator. In the present invention, amended claim 1 excludes the possibility of having such an orifice. Accordingly, claims 1 and 5-8 are now allowable under 35 U.S.C. 102(b) over Patrick.

Claims 11, 13, 14, 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Bainbridge et al. (U.S. Patent No. 5,766,395).

Applicant respectfully traverses the rejection of claims 11, 13, 14, 17, and 18 for the following reasons. Independent claim 11 is a method claim in which a layer of fibrous padding material is compressed between mold sections. Bainbridge discloses a method in which three different materials are compressed. Specifically, Bainbridge states:

As shown in FIGS. 3 and 4, the self-supporting roof liner panel 10 is formed by **locating the wood and polyolefin fiber sheet, the corrugated paperboard medium 18 and the layer 14 of uncured fibrous insulation (e.g. glass fiber insulation with an uncured phenolic resin binder) in the mold 20 with the corrugated medium between the wood and polyolefin fiber sheet and the fibrous layer 14.**

Bainbridge, col. 6, ll. 59-65

Amended claim 11 uses the transition “consisting essentially of” which excludes the compression of any additional layers. Accordingly, claims 11, 13, 14, 17 and 18 are patentable under 35 U.S.C. 102(b) over Bainbridge et al.

2. Rejection under 35 U.S.C. 103(a)

Claims 2 - 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patrick (U.S. Patent No. 5,892,187) in view of Boyles (U.S. Patent No. 6,534,145).

As set forth above, applicant has demonstrated the patentability of claim 1. Moreover, for the same reasons set forth above, the logical combination of Patrick and Boyle must also have orifices used to form Helmholtz resonators since Boyle is only relied upon by the examiner to provide “a fibrous padding material including multiple generally vertically oriented fibers, and multiple vertically lapped folds.” (Office Action dated June 28, 2005). Accordingly, claims 2-4 are allowable under 35 U.S.C. 103(a) over Patrick in view of Boyles.

Claim 10 is amended so that the transition comprising is replaced by “consisting essentially of.” Again, the more restrictive transition excludes the inclusion of the orifices of

Patrick. Accordingly, claim 10 is also allowable under 35 U.S.C. 103(a) over Patrick in view of Boyles.

Claims 12, 15, 16, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bainbridge et al. (U.S. Patent No. 5,766,395) in view of Boyles (U.S. Patent No. 6,534,145).

Applicant has demonstrated the patentability of independent claim 11 over Bainbridge above. Specifically, claim 11 excludes the possibility of compressing an additional layer as disclosed in Bainbridge. Again, Boyles is only used for the fibrous padding material. Accordingly, claims 12, 15, 16, 19, and 20 are allowable under 35 U.S.C. 103(a) as being unpatentable over Bainbridge et al. in view of Boyles.

Conclusion

Applicant has made a genuine effort to respond to each of the Examiner's objections and rejections in advancing the prosecution of this case. Applicant believes that all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested. If any additional issues need to be resolved, the Examiner is invited to contact the undersigned at his earliest convenience.

Respectfully submitted,

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